

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LAWRENCE STUART, :
Plaintiff, : 1:14cv-1401
:
v. : Hon. John E. Jones III
:
DOCTOR LISIAK, *et al.*, :
Defendants :
:

ORDER

September 10, 2015

NOW, THEREFORE, upon consideration of the motion (Doc. 26) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) filed by the Corrections Defendants, and the motion (Doc. 28) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, for summary judgment pursuant to Federal Rule of Civil Procedure 56, filed by Defendants Coogan, Ianuzzi, Kranich and Lisiak, and in accordance with the court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The Corrections Defendants' motion (Doc. 26) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**. Plaintiff's complaint (Doc. 1) is **DISMISSED** in its entirety with respect to these Defendants.
2. The motion (Doc. 28) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) or, in the alternative, for summary judgment pursuant to Federal Rule of Civil Procedure 56 filed by Defendants Coogan, Ianuzzi, Kranich and Lisiak is granted in part and denied in part as follows:

- a. The motion to dismiss is **DENIED**.
 - b. The motion for summary judgment is **GRANTED**.
 - c. The Clerk of Court is directed to **ENTER** judgment in favor of Defendants Coogan, Ianuzzi, Kranch and Lisiak and against Plaintiff.
3. The complaint against Defendant DeRojas is **DISMISSED** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).
 4. The Clerk of Court is directed to **CLOSE** this case.
 5. Any appeal from this order is deemed frivolous and not in good faith.
See 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III
John E. Jones III
United States District Judge